

DOCKET

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
1976 JAN 19 PM 3 52

CLERK
U.S. DISTRICT COURT

CONSOLIDATED
CIVIL ACTION NOS.

74 C 1030
74 C 2510

THE MAGNAVOX COMPANY,
et al.,

Plaintiffs,

v.

BALLY MANUFACTURING CORPORATION,
et al.,

Defendants.

DEFENDANT BALLY'S FIRST SET OF
INTERROGATORIES TO PLAINTIFFS

Defendant, Bally Manufacturing Corporation, hereby requests that plaintiffs, The Magnavox Company (MAGNAVOX) and Sanders Associates, Inc. (SANDERS), through an officer or agent competent to testify on their behalf, answer the following interrogatories, in writing under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure.

In answering the following interrogatories, a document shall be identified by stating (a) the type of document (e.g., letter, report, patent, etc.), (b) its date, (c) its author, (d) title, caption or subject, (e) a brief summary of the subject matter of the contents, (f) identity of person having custody thereof, and (g) whether plaintiffs will produce the document or make the document available for inspection and copying.

In answering the following interrogatories, identification of persons means stating (a) the full name of such persons, (b) his or her employer, job title, and address of the place of

employment or business at the time to which the interrogatory relates, and (c) his or her present or last known employer, job title, and business and home addresses.

In the following interrogatories, the words "document" or "documents" when used herein shall mean any minutes, letters, memoranda, agreements, licenses, diagrams, handwritten notes, periodicals or other publications, patents, pamphlets, catalogs, advertisements, reports, records, studies, service manuals, instruction sheets, log sheets, data sheets, diaries, drawings, blueprints, photographs, charts, papers, graphs, indexes, tapes, and other written, printed, typewritten, reproduced or recorded material of every kind whether or not they are privileged or within plaintiffs' possession, custody or control. Any copy of a document containing thereon or having attached thereto any alteration, notes, comments or other material not included in the original or other copies of such document shall be deemed a separate document within the foregoing definition.

With respect to the following interrogatories, plaintiffs are requested to fully answer each part of every multiple part interrogatory separately, and, with respect to matters which may be continuing or in progress (such as, certain searches, studies, investigations, etc.), plaintiffs are requested to include in their answers all information known to plaintiffs as of the time of answering such interrogatories. The following interrogatories are deemed to be continuing so as to require supplemental answers if plaintiffs obtain further information after the answers are filed.

INTERROGATORIES

1. (a) Do MAGNAVOX or SANDERS contend that the manufacture, use or sale of the Nutting "Computer Space" game infringes or embodies the alleged invention of any claim of any of the patents in suit?

(b) If so, which claims of which patents?

(c) With respect to any claim which they do not contend is infringed, identify each of such claims, and state the reasons why they make no such contentions.

(d) State each element or limitation of each claim of the patents in suit identified in (c) above, which is not found in "Computer Space".

2. (a) Do MAGNAVOX or SANDERS contend that the Nutting "Computer Space" game is a video game?

(b) If so, why?

(c) If not, why not?

(d) If MAGNAVOX or SANDERS has no contention, state what it means by the term "video game" and the reasons why it has no such contention.

3. Identify which documents, if any, previously identified by MAGNAVOX or SANDERS but not produced by them for inspection by Bally's attorneys, mention or make reference to a game termed "Space War".

4. For each of the patents listed below, identify, by column and line number, each portion of the specification where the term "raster scan", as used in the indicated claims of said patents, is defined:

(a) Claims 1 through 31, 40, 41, 42 and 43
of Patent 3,728,480.

(b) Claims 9 through 21 of Patents 3,659,284
and Re.28,507.

5. State the contention of MAGNAVOX and SANDERS as to the meaning of the term "raster scan" as used in the patent claims identified in Interrogatory 4(a) and (b), and state the basis for such contended meaning.

6. For each of the patents listed below, identify, by column and line number, each portion of the specification where the term "raster", as used in the indicated claims of said patents, is defined:

(a) Claims 60 through 64 of Patent Re.28,507.

(b) Claims 13 through 17 of Patent Re.28,598.

7. State the contention of MAGNAVOX and SANDERS as to the meaning of the term "raster" as used in the patent claims identified in Interrogatory 6(a) and (b), and state the basis for such contended meaning.

8. With respect to each of the following patents,

I. Cole et al., U.S. Patent 3,345,458

II. Clark, U.S. Patent 3,388,391

III. Clark, U.S. Patent 3,422,420

IV. Clark, U.S. Patent 3,426,344

(a) State whether any attorney in SANDERS' patent department acquired knowledge of, studied or reviewed such patent prior to being informed of the patent by Bally, Midway or Empire.

(b) If the answer to part (a) is in the affirmative with respect to any such patent, state

- (1) the date of each instance of acquiring, studying or reviewing the patent;
- (2) the circumstances surrounding each such instance and the reasons for acquiring knowledge, studying or reviewing the patent; and
- (3) the name of the attorney or attorneys who acquired the knowledge, studied or reviewed the patent.

9. With respect to each of the following patents,

- I. Donner et al., U.S. Patent 3,453,384
- II. Botjer et al., U.S. Patent 3,413,610
- III. Lee, U.S. Patent 3,400,377
- IV. Strout, U.S. Patent 3,396,377
- V. Osborn et al., U.S. Patent 3,302,179
- VI. Fenimore et al., U.S. Patent 3,293,614
- VII. Stone et al., U.S. Patent 3,202,980
- VIII. Dutton et al., U.S. Patent 3,182,308
- IX. Macovski, U.S. Patent 3,169,240
- X. Kronenberg et al., U.S. Patent 3,109,166
- XI. Chiang, U.S. Patent 3,103,658
- XII. Jones, Jr. et al., U.S. Patent 2,987,715
- XIII. Gordon et al., U.S. Patent 2,920,312

(a) State whether any attorney in SANDERS' patent department acquired knowledge of, studied or reviewed such patent prior to being informed of the patent by Bally, Midway or Empire.

(b) If the answer to part (a) is in the affirmative with respect to any such patent, state

- (1) the date of each instance of acquiring, studying or reviewing the patent;
- (2) the circumstances surrounding each such instance and the reasons for acquiring knowledge, studying or reviewing the patent; and
- (3) the name of the attorney or attorneys who acquired the knowledge, studied or reviewed the patent.

10. Has SANDERS or MAGNAVOX ever been licensed under any of the patents listed in Interrogatories 8 or 9 hereof? If so,

- (a) identify each of such patents;
- (b) the parties to each license; and
- (c) the dates of each such license.

11. Identify all documents and things in the possession, custody or control of SANDERS or MAGNAVOX, not previously produced for inspection by Bally's attorneys, which mention or refer to a game termed Space War.

12. Identify all documents and things in the possession, custody or control of SANDERS or MAGNAVOX, not previously produced for inspection by Bally's attorneys, which have been used to play a game termed Space War or are intended for such use.

13. Identify all documents relating to the acquisition by SANDERS or MAGNAVOX of:

- (a) all programs or instructions for a game termed Space War;
- (b) all computers or other devices on which a game termed Space War has been played at SANDERS or MAGNAVOX;
- (c) the Digital Equipment Corporation PDP-1 computer(s) mentioned by Richard Seligman and/or John Sauter in their respective depositions;
- (d) all computers or other devices of SANDERS or MAGNAVOX having a CRT display and capable of having a game termed Space War played therewith.

14. Other than documents previously identified or produced for inspection to Bally's attorneys, and other than documents relating only to conventional T.V. receivers, identify all documents disclosing the construction, structure, logic, operation and intended uses of each device comprising a cathode ray tube (CRT), means for generating vertical and horizontal synchronizing signals,

means responsive to the synchronizing signals for deflecting the beam of the CRT to generate a raster on the screen,

means coupled to the synchronizing signal generating means and the CRT for generating a symbol or symbols on the screen of the CRT, and

means by which the operator or viewer may select or determine the symbol to be displayed and/or the position of a symbol on the screen,

which device was manufactured, sold or used by SANDERS prior to or during the time when the applications for the patents in suit were pending before the Patent Office.

15. Other than documents previously identified or produced for inspection to Bally's attorneys, and other than documents relating only to conventional T.V. receivers, identify all documents disclosing the construction, structure, logic, operation and intended uses of each device comprising

a cathode ray tube (CRT),

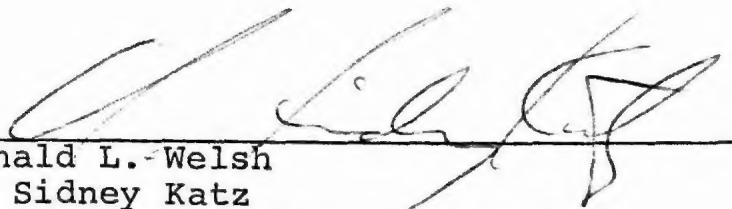
means for generating vertical and horizontal synchronizing signals,

means responsive to the synchronizing signals for deflecting the beam of the CRT to generate a raster on the screen,

means coupled to the synchronizing signal generating means and the CRT for generating a symbol or symbols on the screen of the CRT, and

means by which the operator or viewer may select or determine the symbol to be displayed and/or the position of a symbol on the screen, which device was manufactured, sold or used by MAGNAVOX prior to or during the time when the applications for the patents in suit were pending before the Patent Office.

16. Identify each raster scan CRT display device used by SANDERS with a computer, computer terminal, or data entry device, or made by SANDERS for such use, prior to or during the time when the applications for the patents in suit were pending before the Patent Office, and the date that each such CRT display device was (a) designed, (b) placed in production, (c) considered or reviewed by SANDERS' patent department and (d) considered or reviewed by any officer or managing agent of SANDERS with respect to its purchase, design or use, and identify each such officer or agent.



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Attorneys for the Defendant Bally
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing
DEFENDANT BALLY'S FIRST SET OF INTERROGATORIES TO PLAINTIFFS
were served on:

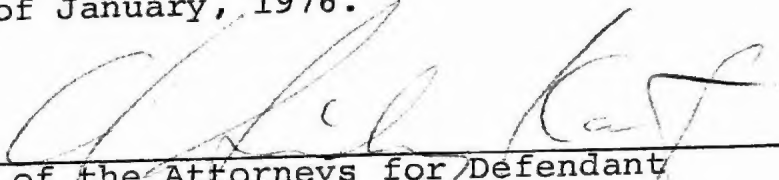
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by messenger, this 19th day of January, 1976.



One of the Attorneys for Defendant
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